

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	08-00093-01-CR-W-DW
ADRIAN D. MILLIGAN,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on October 22, 2008. Defendant Milligan appeared in person and with Bob Kuchar. The United States of America appeared by Assistant United States Attorney Kate Mahoney.

***I. BACKGROUND***

On October 14, 2008, a superseding indictment was returned charging Defendant with three counts of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Ms. Mahoney announced that she will be the trial counsel for the government. The case agent to be seated at counsel table is Ted Horton, ATF.

Mr. Kuchar announced that he will be the trial counsel for Defendant Milligan; Ron Ninemire will assist.

***III. OUTSTANDING MOTIONS***

There are no pending motions in this case.

***IV. TRIAL WITNESSES***

Ms. Mahoney announced that the government intends to call twelve witnesses without stipulations or ten witnesses with stipulations during the trial.

Mr. Kuchar announced that Defendant Milligan does not intend to call any witnesses during the trial. Defendant may testify.

***V. TRIAL EXHIBITS***

Ms. Mahoney announced that the government will offer approximately twenty-five exhibits in evidence during the trial.

Mr. Kuchar announced that Defendant Milligan will not offer any exhibits in evidence during the trial.

***VI. DEFENSES***

Mr. Kuchar announced that Defendant Milligan will rely on the defense of general denial.

***VII. POSSIBLE DISPOSITION***

Mr. Kuchar stated this case is probably not for trial.

***VIII. STIPULATIONS***

Stipulations are likely as to chain of custody, prior felony conviction and the interstate nexus of the firearm.

***IX. TRIAL TIME***

Counsel were in agreement that this case will take two days to try.

**X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS**

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed May 13, 2008, counsel for each party file and serve a list of exhibits he/she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by Wednesday, October 22, 2008;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, October 29, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions<sup>1</sup> by or before noon, Wednesday, October 29, 2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

**XI. UNUSUAL QUESTIONS OF LAW**

No motions in limine are anticipated. There are no unusual questions of law.

**XII. TRIAL SETTING**

All counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on November 3, 2008.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
U. S. Magistrate Judge

Kansas City, Missouri  
October 22, 2008

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<sup>1</sup>Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which is prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn\_shawver@mow.uscourts.gov and rhonda\_enss@mow.uscourts.gov by Friday, September 26, 2008. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

cc: The Honorable Dean Whipple  
Ms. Kate Mahoney  
Mr. Bob Kuchar  
Mr. Jeff Burkholder